



**CABINET FOR FAMILIES AND CHILDREN
COMMONWEALTH OF KENTUCKY
FRANKFORT 40621**

DEPARTMENT FOR COMMUNITY BASED SERVICES
AN EQUAL OPPORTUNITY EMPLOYER M/F/D

Information Release #768

TO: All IV-D Agents

DATE: September 10, 1998

SUBJECT: Evidence for Determining a Father's Liabilities in a
Paternity Case

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193 (PRWORA or Welfare Reform), amended Section 466(a)(5)(K) of the Social Security Act [42 United States Code 666(a)(5)(K)] to define what constitutes proof for certain support and paternity establishment costs. Section 466(a)(5)(K) specifies that bills for pregnancy, childbirth, and genetic testing are admissible as evidence without requiring third-party foundation testimony and constitute *prima facie* evidence of amounts incurred for services or for testing on behalf of a child.

NOTE: *Prima facie* evidence is evidence that is considered to be true unless it is disproved by contrary evidence.

Section 26 of House Bill (HB) 161 amended **Kentucky Revised Statute (KRS) 406.021(3)** to conform to this paternity requirement. This statute was changed to add: "Bills for testing, pregnancy, and childbirth without requiring third party foundation testimony shall be regarded as *prima facie* evidence of the amount incurred."

This amendment to KRS 406.021(3) removes the need for third-party foundation testimony to verify costs for prenatal care, birthing expenses, and genetic testing fees. However, this amendment does not change the current procedure of obtaining information to determine the total amount of reimbursement due Medicaid. The material listed after cross references 1, 2, and 3 at the end of this release provides information about determining the amount due Medicaid for prenatal care and birthing expenses for a Medicaid recipient.

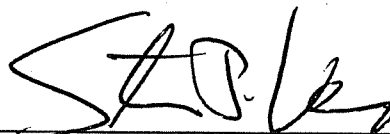
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The amendment to KRS 406.021(3) also does not change current policy pertaining to reimbursement of genetic testing costs. The material listed after cross references 4 and 5 provides information about genetic testing reimbursement.

A copy of HB 161 is attached to Information Release #749.



STEVEN P. VENO, DIRECTOR
DIVISION OF CHILD SUPPORT

CROSS REFERENCES:

1. Handbook Subsection 17.030, Reimbursement of Medical Expenses
2. KASES Network Memo No. 36, Medical Arrears Subaccount (MEDIA)
3. Information Release #747, Medicaid Birthing Expenses
4. Handbook Subsection 13.170, Costs and Funding Options
5. Information Release #724, Genetic Testing Contract